

1 **THE HONORABLE THOMAS O. RICE**

2 Harry E. Ries, WSBA No. 10745
3 Attorney at Law
4 P.O. Box 1849
5 Moses Lake, WA 98837
6 Telephone 509.765.4011
7 Facsimile 509.765.3932

8 Attorney for Defendant-in Interpleader
9 Kurrick L. Gettings

10 **UNITED STATES DISTRICT COURT**
11 **EASTERN DISTRICT OF WASHINGTON AT SPOKANE**

12 **NEW YORK LIFE INSURANCE**
13 **COMPANY**, a New York mutual
14 insurance company,

15 Plaintiff-in-Interpleader,

16 vs.

17 **APRIL M. GETTINGS; JOHN L.**
18 **TOEVS**, as custodian for K.L.G.; and
19 **MARA JACOBS**, as custodian for
20 K.L.G,

21 Defendants-in-Interpleader.

NO. CV-12-409-TOR

MOTION FOR ENTRY OF
STIPULATED ORDER
DISBURSING FUNDS TO
TRUST ACCOUNT AND FOR
DISMISSAL OF ACTION

WITHOUT ORAL ARGUMENT
APRIL 17, 2013 @ 6:30 pm

COME NOW the above named defendants-in-Interpleader by and through their attorneys, Lawrence L. Tracy and Harry E. Ries, and respectfully request the Court to grant their motion to dismiss the above-

NO. CV-12-409-TOR
MOTION
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HARRY E. RIES
ATTORNEY AT LAW
406 W. BROADWAY, SUITE D * P.O. BOX 1849
MOSES LAKE, WA 98837
(509) 765 - 4011
(509) 765 - 3932 Facsimile

1 entitled action with prejudice and order the Clerk to disburse the funds
2 currently being held in the registry of this Court to the IOLTA Trust Account of
3 Lawrence L. Tracy, in accordance with the stipulation below. This motion is
4 based upon the files and records herein, and the stipulation below.

5 THIS MATTER having been fully and finally settled by and between the
6 parties, it is hereby stipulated by and between the defendant-in-interpleader,
7 April M. Gettings, and defendant-in-interpleader, Kurrick L. Gettings, and
8 their attorneys of record, Lawrence L. Tracy for April M. Gettings, and Harry
9 E. Ries for Kurrick L. Gettings, as follows:

10 1. All past claims, counterclaims and cross-claims of all kinds
11 whatsoever, whether asserted or un-asserted, known or unknown, with
12 regard to United States District Court cause #CV-12-409-TOR, relating to
13 New York Life Insurance Policies #46 253 700 and #49 142 321 shall be
14 dismissed with prejudice and without cost to either party.

15 2. The clerk of the Court will disburse the net proceeds to
16 LAWRENCE L. TRACY IOLTA Trust Account as indicated in the stipulated
17 order filed herewith.

1 RESPECTFULLY SUBMITTED this 10th day of April, 2013 by:

2 **HARRY E. RIES**

3 Attorney for Kurrick L. Gettings

LAWRENCE L. TRACY

Attorney for April M. Gettings

4 /s/ Harry E. Ries

5 Harry E. Ries, WSBA NO. 10745

/s/ Lawrence L. Tracy

Lawrence L. Tracy, WSBA No. 3035

20 NO. CV-12-409-TOR

21 **MOTION**
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HARRY E. RIES

ATTORNEY AT LAW

406 W. BROADWAY, SUITE D * P.O. BOX 1849

MOSES LAKE, WA 98837

(509) 765 - 4011

(509) 765 - 3932 Facsimile

CERTIFICATE OF SERVICE

I hereby certify that I electronically filed the foregoing with the Clerk of the Court using the CM/ECF System, which will send notification of such filing to the following:

Joseph P Corr

corrj@lanepowell.com,hooperl@lanepowell.com,sheaffers@lanepowell.com,Docketing-SEA@lanepowell.com

Larry L Tracy

lltracy@nctv.com

Tim D. Wackerbarth

wackerbartht@lanepowell.com,corrj@lanepowell.com,hooperl@lanepowell.com,sheaffers@lanepowell.com,docketing-sea@lanepowell.com,campbellj@lanepowell.com

DATED April 10, 2013 at Moses Lake, Washington.

/s/ Harry E. Ries

HARRY E. RIES, WSBA NO. 10745